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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,590	04/27/2006	Heinfred Ohleier	2003DE134	8174

25255 7590 05/23/2007  
CLARIANT CORPORATION  
INTELLECTUAL PROPERTY DEPARTMENT  
4000 MONROE ROAD  
CHARLOTTE, NC 28205

EXAMINER
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GREEN, ANTHONY J

ART UNIT	PAPER NUMBER
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1755

MAIL DATE	DELIVERY MODE
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05/23/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/577,590

Applicant(s)

OHLEIER ET AL.

Examiner

Anthony J. Green

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1755

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☒ Claim(s) 1 and 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. The preliminary amendment submitted on 27 April 2006. Claims 11-13 were added and accordingly claims 1-13 are currently pending in the application.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, the phrase "selected from the group consisting of...or a mixture thereof" is improper Markush terminology as the term "or" should be -- and --.

In claim 4, part d) it is unclear as to what is meant by the phrase "additives customary in master batch production". What are the types of additives that are encompassed by this phrase? Clarification is requested. In part e) the phrase "the fractions" lacks proper antecedent basis. In part f) the phrase "the sum total" lacks proper antecedent basis.

In claim 5, part d) it is unclear as to what is meant by the phrase "additives customary in master batch production". What are the types of additives that are encompassed by this phrase? Clarification is requested. In part e) the phrase "the

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fractions" lacks proper antecedent basis. In part f) the phrase "the sum total" lacks proper antecedent basis.

In claim 7 the term "macromolecular" is a relative term which renders the claim indefinite. The term "macromolecular" is not defined by the claim and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

In claim 8 the phrase "The macromolecular organic material..." lacks proper antecedent basis. It appears that this claim should be dependent from claim 7 however that is not the case and therefore the claim is confusing and vague and indefinite. It is unclear as to the types of materials encompassed by the term "electric". Clarification is requested.

In claim 9 the phrase "low-warpage" is a relative phrase which renders the claim indefinite. The phrase is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The specification merely teaches on page 4 that "As used herein, the term "low-warpage" is to be understood as meaning a degree of warpage which is distinctly reduced compared with a pigment formulation which is not in accordance with the present invention" however this is unclear as it is unclear as to what is meant by a pigment which is not in accordance with the present invention.

In claim 10 the phrase "at least of one polyolefin" makes no sense.

In claim 12, part d) it is unclear as to what is meant by the phrase "additives customary in master batch production". What are the types of additives that are

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encompassed by this phrase? Clarification is requested. In part e) the phrase "the fractions" lacks proper antecedent basis. In part f) the phrase "the sum total" lacks proper antecedent basis.

### ***Claim Objections***

4. Claims 1 and 9 are objected to because of the following informalities:

In claim 1, applicant needs to insert some type of punctuation or term between the phrases "Blue 15:3" and "C.I. Pigment Blue 15:1".

In claim 9 the term "teh" should be -- the --.

Appropriate correction is required.

### ***Allowable Subject Matter***

5. Claims 1-13 would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

### ***Information Disclosure Statement***

6. The references cited by applicant have been considered however they are not seen to teach and/or fairly suggest the instant invention. The examiner has requested a translation of the Czechoslovakian reference will be forwarded to applicant upon receipt.

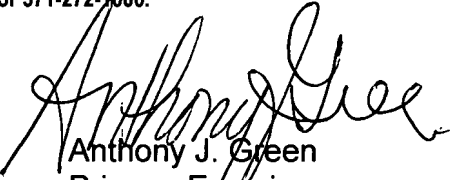
***References Cited By The Examiner***

7. The references cited have been reviewed by the examiner however they are not seen to teach and/or fairly suggest the instant invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony J. Green whose telephone number is 571-272-1367. The examiner can normally be reached on Monday-Thursday 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo can be reached on 571-272-1233. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Anthony J. Green  
Primary Examiner  
Art Unit 1755

ajg  
May 17, 2007